

...ans can take actions to
...quency/microwave radiation
...devices such as cell phones, baby
...net routers through normal, everyday use."

...r General of Canada forwarded your questions to the Honourable
...Petitpas Taylor, Minister of Health, and to me. I am writing in response to
...estions 1A, 1B, 2A, 2B, and 9, which fall under the mandate and responsibility of
...Innovation, Science and Economic Development Canada (ISED). Minister Petitpas Taylor
will be providing you with a separate response addressing the remaining questions that fall
under her department's mandate and areas of responsibility.

**Question 1: Given that Health Canada's Safety Code 6 (2015) clearly states that
"These [maximum exposure] levels shall not be exceeded" and that Innovation, Science
and Economic Development Canada (ISED) has adopted these levels as its standard,
and that the CBC TV "Marketplace" program tests showed when held at zero
separation distance against the simulated head used for certification of cell phones,
that some cell phone models emit radiation three to four times above Safety Code 6
limits for the general public, i.e. in clear non-compliance of Safety Code 6 limits,**

- A. Why are these federal departments allowing breaches of the standard?**
- B. What enforcement measures can be taken, and are being taken to ensure
compliance with these standards?**

**Question 2: Will Innovation, Science and Economic Development (ISED) confirm
that some cell phone models currently on the Canadian retail market,**

- A. When tested "against the SAM phantom" i.e. at zero separation distance
from the head, exceed (breach) the Safety Code 6 Specific Absorption
Rate (SAR) limit of 1.6 W/kg, averaged over 1 gram of tissue?**

...2

Canada 

B. When tested against the flat phantom at a “separation distance of 15 mm or less” exceed (breach) the Safety Code 6 Specific Absorption Rate (SAR) limit of 0.08 W/kg, averaged over 1 gram of tissue?

Response 1A, 1B, 2A and 2B:

ISED’s current regulatory framework, including market surveillance, auditing, and enforcement procedures, provides safeguards to protect Canadians against overexposure to wireless devices.

ISED requires that head-compliance testing be performed directly against a simulated head at a zero millimetre separation distance. Furthermore, it requires that body-worn compliance testing be performed with the use of a simulated body at a maximum separation distance of 15 millimetres or less. Both assessments have an applicable Safety Code 6 limit of 1.6 watts per kilogram, averaged over 1 gram of tissue.

At the time of certification, manufacturers of cell phones are required to meet the radiofrequency (RF) exposure regulatory requirements if they wish to introduce their products to the Canadian market. Compliance is an ongoing obligation for anyone who manufactures, imports, distributes, offers for sale, sells, or leases equipment in Canada.

ISED conducts regular audits as part of its market surveillance program to ensure that wireless devices in Canada are compliant. Should the Department become aware of a device exceeding the exposure levels set in the regulatory standards, it will take immediate action to protect Canadians.

In cases where ISED’s technical standards, such as RF exposure regulatory requirements, are not being met through voluntary compliance, several different enforcement measures may be taken under the *Radiocommunication Act*. These include but are not limited to:

- issuance of an order to immediately cease to manufacture, import, lease, distribute, offer for sale, or sell the device in Canada;
- imposition of an administrative monetary penalty; and
- prosecution.

Further information on compliance and enforcement measures can be found online at www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf10951.html.

Question 9: In its response, Innovation, Science and Economic Development (ISED) states that *“To comply with applicable regulations, equipment manufacturers are required to provide clear information to users on the subject of intended use in the user manual of the products.”* As the CBC TV “Marketplace” program polls showed, *“81% of Canadians had never seen the message in their phone or manual...”*

A. As demonstrated above, why is ISED going against its own compliance requirements by not requiring manufacturers to ensure users are made aware of these warnings by having the warnings shown on the phone or packaging (as for cigarettes) as well as at the point of sale as in the City of Berkeley, California, where making such proper use warnings prominently visible at point of sale, is mandatory?

Response 9A:

As per the technical standard developed, pursuant to the *Radiocommunication Act*, ISED requires manufacturers to provide information on the proper usage of wireless devices in their user manuals, including the minimum separation distance at which a product shall be kept from the body to be in compliance with RF exposure limits. These user manual requirements are in line with other countries, such as the United States (US).

ISED continues to work with Health Canada, other regulators such as the US Federal Communications Commission, international standards bodies, manufacturers, and other stakeholders on improving communication with users.

I appreciate this opportunity to respond to your petition, and I trust that this information is of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Bains'.

The Honourable Navdeep Bains, P.C., M.P.

c.c.: The Honourable Ginette Petitpas Taylor, P.C., M.P.
Health Canada

Ms. Julie Gelfand
Commissioner of the Environment and Sustainable Development